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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 JAST COMPANY LIMITED, a Hong Kong) **Case No.: 2:09-cv-0196**
corporation,)
10)
Plaintiff,) **COMPLAINT**
11)
vs.)
12) **(DEMAND FOR JURY TRIAL)**
JAZWARES, INC., a Delaware corporation,)
13)
Defendant.)
14)
15)

16 Plaintiff Jast Company Limited, (“Jast” or “Plaintiff”) hereby alleges against defendant
17 Jazwares, Inc. (“Jazwares” or “Defendant”) as follows:

18 **JURISDICTION AND VENUE**

19 1. This Court has subject matter jurisdiction over the this complaint pursuant to 28
20 U.S.C. § 1331 (federal question), as it arises under the patent laws of the United States.

21 2. This Court has personal jurisdiction over Defendant because Defendant has a
22 continuous, systematic, and substantial presence within this Judicial District including by selling
23 products within this Judicial District through an interactive website and by committing acts of
24 patent infringement in this Judicial District, which acts form a substantial part of the events or
25 omissions giving rise to Plaintiff’s claim.

26 3. Venue is proper in this Judicial District under 28 U.S.C. § 1391 (b) and (c), and
27 28 U.S.C. § 1400 (b).
28

1 **THE PARTIES**

2 4. Plaintiff Jast Company Limited (“Jast” or “Plaintiff”) is a Hong Kong
3 corporation and the owner of U.S. Patent No. 7,314,325 entitled Pen-and-Electronic Device
4 Assembly (“the Patent”).

5 5. Defendant Jazwares, Inc. (“Jazwares” or “Defendant”) is a Delaware corporation
6 which imports, offers for sale, sells and/or uses devices covered by the Patent, including a
7 product sold under the name “Musical Pen.”

8 **FIRST CLAIM FOR RELIEF**
9 (Patent Infringement)
(35 U.S.C. § 271)

10 6. Plaintiff repeats and re-alleges each and every allegation set forth in this
11 complaint as if set forth here in full.

12 7. Defendant has and continues to directly infringe the Patent, contribute to the
13 infringement of the Patent, and/or induce the infringement the Patent by directly or indirectly
14 importing, offering for sale, selling and/or using devices which are covered by the Patent.

15 8. Defendant’s infringement has been and continues to be intentional, knowing,
16 willful, and deliberate, without license, without justification, and with full knowledge of
17 Plaintiff’s rights.

18 9. Defendant has derived, received, and will continue to derive and receive from
19 their infringement: gains, profits, and advantages, in amounts not presently known to Plaintiff.

20 10. As a direct and proximate consequence of Defendant’s infringement of the
21 Patent, Plaintiff has suffered and will continue to suffer damages in an amount not yet
22 determined.

23 11. Defendant will continue to directly or indirectly infringe the Patent to the great
24 and irreparable injury of Plaintiff, unless enjoined by this Court.

25 12. Pursuant to 35 U.S.C. § 284, Plaintiff is entitled to damages for infringement and
26 treble damages together with interest and costs as fixed by the court.

27 13. Pursuant to 35 U.S.C. § 285, Plaintiff is entitled to reasonable attorneys fees for
28 the necessity of bringing this claim.

1 **WHEREFORE**, Plaintiff prays for relief as follows:

2 A. That Defendant be adjudged to have directly infringed the Patent.

3 B. That Defendant be adjudged to have willfully and deliberately infringed the
4 Patent.

5 C. That Defendant be adjudged to have contributed to the infringement of the
6 Patent.

7 D. That Defendant be adjudged to have induced the infringement of the Patent.

8 E. That Defendant, its officers, agents, servants, employees, and attorneys, and
9 those persons in active concert or participation with them who receive actual notice of the order
10 by personal service or otherwise, be preliminarily and permanently enjoined from directly or
11 indirectly infringing the Patent.

12 F. That this Court order an accounting with respect profits earned by Defendant's
13 infringing activity.

14 G. That pursuant to 35 U.S.C. § 284, Defendant account for actual and treble
15 damages to Plaintiff by virtue of the Defendant's infringement of the Patent.

16 H. That this Court declare this case exceptional under 35 U.S.C. § 285 and award
17 reasonable attorney fees, costs and expenses.

18 I. That this Court order the destruction of all infringing goods.

19 J. That this Court award such other relief to Plaintiff which the Court deems just
20 and reasonable.

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JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues raised by this Complaint which are triable by jury.

DATED this 30th day of January, 2009.

Respectfully Submitted,

WEIDE & MILLER, LTD.



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